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CONCORD, N.H.

1951

Apr. 6

Mr. James J. Barry, Commissioner  
Department of Public Welfare  
State House Annex

Dear Sir:

Reference is made to your letter of April 2, 1951 concerning the liability, as between counties, for the support of a woman and certain of her children.

As I understand the facts, the woman and her 8 children were, at one time, resident in Coos County. Following her husband's death, the support of three of the children was undertaken by that County; the children were placed in a boarding home, and, so far as appears, are still there at the expense of Coos County. Without receiving further assistance from Coos, the woman, together with her five remaining children has removed to Grafton County. Having resided there for more than a year, she now asks direct relief for herself and the five children with her from Grafton County. The question then is, whether Grafton or Coos is liable for any assistance that may be rendered.

Assuming that the woman is without legal settlement in any town, Grafton County would appear to be liable for the assistance requested in her application (R. L. c. 125, s.1). It is suggested, however, that since three of her children have been within the year and now being, supported by Coos, the case is changed by the operation of R. L. c. 125, s. 9, of which the pertinent part is quoted:

"9. Liability Between Counties. The county which shall have last relieved any county pauper within one year shall be liable to the county in which he may afterward be relieved for all sums of money paid for his relief, support, or funeral, provided he has not resided in the latter county above three months at the time of his first application there for relief. The county in which a person without a legal settlement shall have last resided not less than one year, within the last five years, shall be liable to the county in which he may



C O P Y .

Mr. James J. Barry, Commissioner

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It is clear from an examination of the above statute that the question whether aid to a child is to be taken as aid to the parent is immaterial in the resolution of this case. It is undisputed that the mother and the children in respect to whom she now applies to Grafton have resided in Grafton for "above three months". Residence for such period fixes responsibility upon Grafton, and this despite the fact that the other children have been supported by Coos "within one year".

You will note from the foregoing that the question of custody has no bearing in a case of this kind.

Very truly yours,

Warren E. Waters  
Assistant Attorney General

## NEW YORK